



COMMONWEALTH OF KENTUCKY
ETHICS COMMITTEE OF THE KENTUCKY JUDICIARY
STATE CAPITOL

ROBERT W. DYCHE, III
COURT OF APPEALS

700 CAPITAL AVENUE, SUITE 200
FRANKFORT, KENTUCKY 40601-3489

PETER C. MACDONALD
DISTRICT COURT

JAMES L. BOWLING
CIRCUIT COURT

B. M. WESTBERRY, CHAIRMAN
ATTORNEY

UHEL O. BARRICKMAN
ATTORNEY

JUDICIAL ETHICS OPINION JE-98

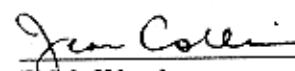
February 12, 2002

Question: May a judge or judicial candidate attend a fundraiser for another candidate and make the contribution suggested by the candidate?

Answer: A judge or judicial candidate may attend any political gathering to campaign in his or her own behalf, but the judge or judicial candidate may not make a contribution to another campaign.

The question presented was whether a judge or judicial candidate may attend a fundraiser for another candidate and make the contribution suggested by the candidate. Any judge or judicial candidate may attend any political gathering to campaign in his or her own behalf. Canon 5A(2). If necessary, he or she may purchase tickets to attend the event. Canon 5A(2). However, political contributions are prohibited. Canon 5A(1)(c).

It was suggested to the Committee that where a contribution was required to attend the event, the contribution was the same as a ticket. Traditionally, the Committee has interpreted a "ticket" to be some nominal fee such as the price of two drinks or the cost of the meal. The candidate may attend the fundraiser and pay for the cost of the food and drink he or she consumes, but any amount above this cost is, under the Judicial Ethics Code, a contribution to the candidate and therefore prohibited. This interpretation of the Code is supported by the invitations in question for this opinion which requested "contributions" of \$25, \$50, or \$100 or \$250 - \$500, by the definition of "contribution" contained in KRS 121.015(6), and by KRS 121.180(3)(a) which requires contributions at fundraisers which collect in excess of \$3000 to be reported. Contributions in excess of \$100 must be reported individually.


for B.M. Westberry

Chairman
The Ethics Committee of the
Kentucky Judiciary

This formal ethics opinion was affirmed by the Kentucky Supreme Court in Shake v. The Ethics Committee of the Kentucky Judiciary, 122 S.W.3d 577 (Ky. 2003).